

**3843. Misbranding of Seconal Sodium capsules. U. S. v. Glenn S. Shipp (The Chemist Shop). Plea of nolo contendere. Defendant sentenced to pay costs and to serve 60 days in jail. Sentence of imprisonment suspended and defendant placed on probation for 60 days. (F. D. C. No. 33731. Sample Nos. 16231-L to 16236-L, incl.)**

**INFORMATION FILED:** December 16, 1952, District of Kansas, against Glenn S. Shipp, trading as The Chemist Shop, Independence, Kans.

**ALLEGED VIOLATION:** On or about December 5, 6, 13, 18, and 19, 1951, while a number of *Seconal Sodium capsules* were being held for sale at the Chemist Shop after shipment in interstate commerce, the defendant caused various quantities of the capsules to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged capsules being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged capsules failed to bear a label containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged capsules contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged capsules failed to bear adequate directions for use.

**DISPOSITION:** January 20, 1953. A plea of nolo contendere having been entered, the court sentenced the defendant to pay the costs of the action and to serve 60 days in jail. The jail sentence was suspended, and the defendant was placed on probation for 60 days.

**3844. Misbranding of Seconal Sodium capsules and dextro-amphetamine sulfate tablets. U. S. v. Orville L. Wright (Wright Pharmacy). Plea of not guilty. Tried to the court and jury. Verdict of guilty. Fine of \$500; sentence of six months in jail suspended and defendant placed on probation for five years. (F. D. C. No. 31296. Sample Nos. 21191-L, 21192-L, 21194-L to 21196-L, incl.)**

**INFORMATION FILED:** January 24, 1952, Southern District of Texas, against Orville L. Wright, trading as the Wright Pharmacy, Houston, Tex.

**ALLEGED VIOLATION:** On or about June 19 and 30 and July 3 and 9, 1951, while a number of *Seconal Sodium capsules* and *dextro-amphetamine sulfate tablets* were being held for sale at the Wright Pharmacy after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), the repackaged *Seconal Sodium capsules* and 1 lot of the repackaged *dextro-amphetamine sulfate tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.